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CHAPTER 5 – TRAFFIC REGULATIONS

Article 1 – Definitions

§5-101 DEFINITIONS.

The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Chapter 60, Article 6 of the Nebraska Revised Statutes. If not defined in the designated statutes, the word or phrase shall have its common meaning. (Neb. Rev. Stat. §60-606 through 60-676) (Am. by Ord. No. 505, 5/2/94)

Article 2 – Municipal Traffic Regulations

§5-201 TRUCK ROUTES.

The City Council may by resolution designate certain streets in the City that trucks shall travel upon and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks unless to pick up or deliver goods, wares, or merchandise. In that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through or about the City. The City Council shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes. (Neb. Rev. Stat. §60-681)

§5-202 ONE-WAY TRAFFIC.

The City Council may by resolution provide for one-way travel in any street or alley located in the City and shall provide for appropriate signs and markings when said streets have been so designated. (Neb. Rev. Stat. §60-680)

§5-203 TRAFFIC LANE; DESIGNATION.

The City Council may by resolution mark lanes for traffic on street pavements at such places as it may deem advisable. (Neb. Rev. Stat. §60-680)

§5-204 TURNING; "U" TURNS.

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection, in either the residential or business district; provided, United States Postal Service vehicles are excepted from the prohibition of "U" turns in the middle of residential streets. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where a sign is posted indicating that "U" turns are prohibited. (Neb. Rev. Stat. §60-6,160, 60-680)

§5-205 RIGHT-OF-WAY.

(A) When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a City Policeman stationed at the intersection.

(B) The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(C) The driver of a vehicle on any street shall yield the right-of-way to a pedestrian crossing such street within any clearly marked crosswalk or at any regular pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street at any point other than a pedestrian

crossing, crosswalk, or intersection shall yield the right-of-way to vehicles upon the street.

(D) The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk.

(E) The driver of a vehicle entering a city street from a private road or drive shall yield the right-of-way to all vehicles approaching on such street.

(F) The driver of a vehicle upon a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visual or audible signals.

(Neb. Rev. Stat. §60-6,146 through 60-6,154) (Am. by Ord. No. 505. 5/2/94)

§5-206 RIGHT-OF-WAY; OVERTAKING VEHICLES.

The driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle. (Neb. Rev. Stat. §60-6,133)

§5-207 RIGHT-OF-WAY; SLOW-MOVING VEHICLES.

Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage to their left. Vehicles in motion shall be kept between the curb at the right and the center of the street. (Neb. Rev. Stat. §60-6,133, 39-697)

§5-208 RIGHT-OF-WAY; EMERGENCY VEHICLES.

Upon the approach of any authorized emergency vehicle, every vehicle within one block of the route of such emergency vehicle shall immediately stop, except at the time they are on or crossing a street intersection, in which event such vehicles shall drive clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right hand curb as possible and remain there until such authorized emergency vehicle or vehicles have passed, provided that said vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals.

(Neb. Rev. Stat. §60-6,151)

§5-209 CROSSWALKS.

The City Council may by resolution establish and maintain crosswalks by appropriate devices, markers, or lines upon the street at intersections where there is particular danger to pedestrians crossing the street and at such other places as may be deemed necessary. (Neb. Rev. Stat. §60-680)

§5-210 SIGNS, SIGNALS.

The City Council may by resolution provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley under the City's jurisdiction for the purpose of regulating or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited, the regulation or pro-

hibition, the location where such sign, signal, standard or mechanical device shall be placed, and the hours when such regulation or prohibition shall be effective. All signs, signals, standards or mechanical devices in any street or alley which are in existence at the adoption of this code shall be deemed to comply with this section. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulation or prohibition. (Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

§5-211 STOP SIGNS.

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line or, if there is no stop line, before entering the crosswalk but if neither is indicated, then as near the right-of-way line of the intersecting roadway as possible. (Neb. Rev. Stat. §60-6,119 through 60-6.121, 60-680)

§5-212 SIGNS, TRAFFIC CONTROL DEVICES, TRAFFIC SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH.

It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (Neb. Rev. Stat. §60-6,129, 60-6,131) (Ord. No. 443, 12/4/89)

Article 3 – Prohibitions and Enforcement

§5-301 LITTERING.

It shall be unlawful for any person to drop or cause to be left upon any city highway, street, or alley, except at places designated by the City Council, any rubbish, debris, or waste. Any person so doing shall be guilty of littering. (Neb. Rev. Stat. §39-683)

§5-302 SIGNS; DEFACING OR INTERFERING WITH.

It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal. (Neb. Rev. Stat. §39-619)

§5-303 SIGNS; UNAUTHORIZED DISPLAY.

It shall be unlawful for any person to maintain or display upon or in view of any street any unofficial sign, signal, or device which purports to be, is an imitation of, or resembles an official traffic sign or signal which directs the movement of traffic or which hides from view or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance and any police officer is hereby empowered to remove the same or cause it to be removed without notice. (Neb. Rev. Stat. §39-618)

§5-304 SPEED LIMITS.

No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than:

- (A) 25 miles per hour within the residential district,
- (B) 20 miles per hour within the business district,
- (C) 30 miles per hour on Highway N-11 from "L" Street to "R" Street,
- (D) 40 miles per hour on Highway N-11 from "R" Street to 11th Street, or
- (E) 25 miles per hour on Highway N-11 from "R" Street to "P" Street,

unless a different rate of speed is specifically permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. (Neb. Rev. Stat. §39-662, 39-663)

§5-305 SPEED; NEAR SCHOOLS.

It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located and which are used for school purposes, during school recess or while

children are going to or leaving school during the opening or closing hours, to drive such vehicle at a rate of speed in excess of 15 miles per hour past such premises and such driver shall stop at all stop signs located at or near, such school premises. It shall be unlawful for such driver to make a "U" turn at any intersection where such stop signs are located at or near such school premises. (Neb. Rev. Stat. §39-663)

§5-306 SPEED; ELECTRONIC DETECTOR.

(A) The speed of any motor vehicle within the City may be determined by the use of radio microwaves or other electronic device. The results of such determination shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue.

(B) The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his badge of authority; provided, such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle was recorded and must include a description of the vehicle and the recorded speed.

(Neb. Rev. Stat. §39-664)

§5-307 NEGLIGENT DRIVING.

Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving. (Neb. Rev. Stat. §39-669.26)

§5-308 BACKING.

It shall be unlawful for any person to back a motor vehicle on the city streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; provided, a vehicle shall be backed only when such movement can be made in safety and in no case shall the distance of the backing exceed one and one-half lengths of the vehicle. (Neb. Rev. Stat. §39-675, 39-697)

§5-309 UNNECESSARY STOPPING.

It shall be unlawful for any person to stop any vehicle on any public street or alley other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations, or to yield the right-of-way to pedestrians or to other vehicles. (Neb. Rev. Stat. §39-672, 39-697)

§5-310 FOLLOWING; FIRE APPARATUS AND AMBULANCES.

The driver of any vehicle, excluding duly authorized personnel, shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Neb. Rev. Stat. §39-681)

§5-311 FUNERAL PROCESSIONS.

No vehicle shall be driven through a funeral procession or cortege except with the permission of a police officer, except police vehicles or Fire Department vehicles when responding to emergency calls or orders in their several departments, ambulances responding to emergency calls, or vehicles carrying United States mails. (Neb. Rev. Stat. §39-629, 39-697)

§5-312 RIDING OUTSIDE VEHICLE.

No person shall permit any other person to ride on the running board, hood, top, or fenders of any motor vehicle nor shall any person ride on the running board, hood, top, or fenders of any motor vehicle. (Neb. Rev. Stat. §39-677, 39-697)

§5-313 VEHICLE; MUFFLER.

Every motor vehicle operated within this city shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. It shall be unlawful to use a "muffler cutout" on any motor vehicle upon any street; provided, the provisions of this section shall not apply to authorized emergency vehicles. (Neb. Rev. Stat. §39-6,137, 60-2209)

§5-314 EMERGENCY REGULATIONS.

The Chief of Police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Neb. Rev. Stat. §81-2005)

§5-315 POLICE; ENFORCEMENT.

The City Police are hereby authorized, empowered, and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict, regulate and, when necessary, temporarily divert or exclude, in the interest of public safety, health, and convenience, the movement of pedestrian, animal, and vehicular traffic of every kind in streets, parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. (Neb. Rev. Stat. §39-6,192)

§5-316 POLICE; REFUSAL TO OBEY.

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or

direction of a police officer. (Neb. Rev. Stat. §39-697)

§5-317 TRAFFIC CITATIONS; FORM AND RECORDS.

The City Police Chief shall provide, in appropriate form, traffic citations containing notices to appear. The Chief of Police shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation number therein issued to the City Police. The Chief of Police shall require and retain a receipt for every book so issued. The Chief of Police shall require the return of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator. (Neb. Rev. Stat. §60-680)

§5-318 TRAFFIC CITATIONS; DISPOSITION AND RECORDS.

(1) The City Police, upon issuing a traffic citation to an alleged violator of any provision of this chapter, shall deposit a copy of the traffic citation with the City Attorney unless the citation is just a warning.

(2) Upon the deposit of the traffic citation with the Attorney, such citation may be disposed of only by trial in said court or other official action by the judge of the court, including a forfeiture of bail or by the deposit of sufficient bail with or payment of a fine to the court by the person to whom such traffic citation has been issued.

(3) It shall be unlawful for the City Police to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein. (Neb. Rev. Stat. §29-422, 29-424)

§5-319 TRAFFIC CITATION; ILLEGAL CANCELLATION.

Any person who cancels or solicits the cancellation of any traffic citation in any manner other than as provided herein shall be guilty of a misdemeanor. (Neb. Rev. Stat. §60-680)

§5-320 USE OF ENGINE BRAKES UNLAWFUL WITHIN CITY LIMITS.

It shall be unlawful for any person to use engine brakes, commonly known as "Jake brakes," on trucks within the city limits. (Ord. No. 533, 7/5/95)

§5-321 PRESUMPTION OF RESPONSIBILITY FOR VIOLATION.

If any vehicle is found upon any street, alley, right-of-way or public property within the City in violation of any Municipal Code section and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation. (Ord. No. 910, 3/5/18)

§5-322 REGISTRATION REQUIRED.

(A) It shall be unlawful for any person to park or operate any motor vehicle upon

any street or public way within the City without having registered it as provided by state law.

(B) A person who parks a motor vehicle on any street or public way, which vehicle has been properly registered in this state but such registration has expired, shall not be in violation of this section unless thirty (30) days have passed from the expiration of the prior registration.

(Neb. Rev. Stat. §60-301 et seq.) (Ord. No. 910, 3/5/18)

§5-323 REGISTRATION CERTIFICATE, DUTY TO CARRY.

No person shall operate or drive a motor vehicle, commercial trailer, semitrailer or utility trailer on the public highways unless such vehicle shall at all times carry in or upon it, subject to inspection by any peace officer, the registration certificate furnished in it. In the case of a motorcycle, the registration certificate shall be carried either in plain sight, affixed to the motorcycle, or in the tool bag or some convenient receptacle attached to the motorcycle. (Neb. Rev. Stat. §60-325) (Ord. No. 910, 3/5/18)

§5-324 NUMBER PLATES REQUIRED.

It shall be unlawful for any person to park or operate a motor vehicle upon any street or way within the City without having attached thereto the number of plates furnished by the state or county in connection with such registration. (Neb. Rev. Stat. §60-311 et. seq.) (Ord. No. 910, 3/5/18)

§5-325 NUMBER PLATES; MANNER OF DISPLAY.

Every motor vehicle parked or operated within the City shall at all times have displayed thereon number plates as required by state law, which plates shall be securely fastened in an upright position to the vehicle so as to prevent such plates from swinging. (Neb. Rev. Stat. §60-311.01 et. seq.) (Ord. No. 910, 3/5/18)

§5-326 REGISTRATION OF TRAILERS.

When any trailer shall be attached to any motor vehicle in use upon the streets, such trailer shall carry a trailer registration number and rear light as required of other motor vehicles. (Ord. No. 910, 3/5/18)

§5-327 REGISTRATION; FICTITIOUS LICENSE PLATES.

No person shall operate, drive or cause to be operated or driven a motor vehicle on the public streets, alleys or other public property which bears (A) any number plate or certificate other than as assigned to it for the current registration period, (B) any fictitious or altered number plates or registration certificate, (C) number plates or registration certificate that has been canceled by the Department of Motor Vehicles, or (D) number plates, in any registration period, in which plates are not furnished, to which renewal tags have not been affixed. (Ord. No. 910, 3/5/18)

§5-328 REGISTRATION; PROOF OF OWNERSHIP.

It shall be unlawful for any person to park or operate any motor vehicle on any street or public way within the City within thirty (30) days from the purchase of said motor vehicle without (A) proper registration as defined by the laws of the State of Nebraska, or (B) satisfactory proof of ownership of said motor vehicle which shall be either the certificate of title to such motor vehicle or the assignment thereof duly executed or a bill of sale which describes such vehicle with identification number. Upon request by any law enforcement officer, the person driving such a motor vehicle shall demonstrate satisfactory proof of ownership as defined herein. (Ord. No. 910, 3/5/18)

Article 4 – Parking**§5-401 GENERALLY.**

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least four feet between the vehicle so parked and any other parked vehicles, except as designated in Section 5-402. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. (Neb. Rev. Stat. §60-680, 60-6,167) (Am. by Ord. No. 505, 5/2/94)

§5-402 DESIGNATION.

The City Council may by resolution designate any street or portion thereof where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. (Neb. Rev. Stat. §60-6,167, 60-680)

§5-403 AREAS.

The City Council may by resolution set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof longer than a period of time necessary to load and unload freight or passengers. (Neb. Rev. Stat. §60-680)

§5-404 ALLEYS.

No vehicle shall be parked in any alley except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one-half hour. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. (Neb. Rev. Stat. §60-680)

§5-405 FIRE HYDRANTS AND STATIONS.

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station. The curb space within such area of 15 feet in either direction of such fire hydrant shall be painted red to indicate such prohibition. (Neb. Rev. Stat. §60-6,166)

§5-406 STREET INTERSECTIONS.

Except in compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose except momentarily to load or discharge passengers within 25 feet of the intersection of curb lines or if none, then within 15 feet of the intersection of property lines, nor

where said curb lines are painted red to indicate such prohibition. (Neb. Rev. Stat. §60-6,166)

§5-407 CURBS, PAINTED.

It shall be the duty of the Chief of Police to cause the curb space to be painted and keep the same painted as provided in this article. No person, firm, or corporation shall paint the curb of any street or in any manner set aside or attempt to prevent the parking of vehicles in any street or part thereof except at such places where the parking of vehicles is prohibited by the provisions of this article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the City through its proper officers at the direction of the City Council. (Neb. Rev. Stat. §60-680)

§5-408 REPAIR.

No person shall adjust or repair any automobile or motorcycle standing on the public streets or alleys of this city or race the motor of same excepting in case of breakdown or other emergency. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Neb. Rev. Stat. §60-680)

§5-409 TIME LIMIT.

The City Council may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by such resolution. The parking or stopping of any vehicle in any such street, streets, or district for a period of time longer than fixed in such resolution shall constitute a violation of this article. (Neb. Rev. Stat. §60-680)

§5-410 MAXIMUM TIME LIMIT; SEASONAL

(A) The parking of a motor vehicle on a public street for over seven (7) consecutive days is unlawful except where a different maximum time limited is posted.

(B) It shall also be unlawful to park a trailer, boat, camper or other recreational vehicle on a public street between November 1 and March 31.
(Neb. Rev. Stat. §60-680) (Ord. No. 866, 12/7/15)

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§5-411 SNOW REMOVAL AND MAINTENANCE.

The City Police may, upon emergency proclamation by the Mayor, order any street or alley, or portion thereof vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley or by posting appropriate signs along such street or alley or publicly announcing by means of broadcast from broadcasting stations with a normal operating range covering the City. Such signs shall be posted not less than four hours prior to the time that the vacation order is to be effective. Each public announcement shall describe the action taken by the Mayor, including the time it became or will become effective, and shall specify the streets or areas affected. Whenever the Mayor shall find that some or all of the conditions which give rise to a parking prohibition placed in effect pursuant to the provisions of this section no longer exist, he may declare the prohibition terminated in whole or in part, effective immediately upon announcement or at a later specified time. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this chapter and such vehicle may be removed and

parked under the supervision of the City Police to a suitable nearby location without further notice to the owner or operator of such vehicle. (Neb. Rev. Stat. §17-557)

§5-412 REMOVAL OF ILLEGALLY PARKED VEHICLES.

(A) Whenever any Police Officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of this article, such individual may remove or have such vehicle removed or require the driver or other person in charge of the vehicle to move such vehicle to a position off the roadway of such street or alley or from such street or alley.

(B) The owner or other person lawfully entitled to the possession of such vehicle may be charged with the reasonable cost for such removal and storage, payable before such vehicle is released. Any such towing or storage fee shall become a security interest in the vehicle prior to all other claims. This fee shall be in addition to any other fees or penalties owed the City for such vehicle.

(Neb. Rev. Stat. §60-6,165, 60-680) (Am. by Ord. No. 396, 11/5/84) (60-676)

§5-413 EMERGENCY VEHICLES.

The provisions of this article regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this article, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. (Neb. Rev. Stat. §60-6,114)

§5-414 BUREAU OF VIOLATIONS.

The Bureau of Violations shall operate within the powers and duties of the office of the City Clerk and all fines shall be payable at said office. A copy of each citation issued for non-moving traffic violations shall be deposited with the Clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all fines paid. Such fines shall be in the amount set by the City Council for each violation if paid within 10 days from the date of issuance. Should any such fine not be paid within the 10-day period, the clerk shall ask the City Attorney to file a complaint in the appropriate court. The fine for any such violation after 10 days or after judgment is entered against the violator shall be set by the Council and court costs, towing and storage costs shall also be paid by said violator. All money collected by the City Clerk under this section shall be transferred to the school district in which the City lies. (Neb. Rev. Stat. §18-1729) (Am. by Ord. No. 853, 11/3/14)

§5-415 TICKETS.

All tickets issued for violations of non-moving traffic regulations contained in this chapter shall, in addition to information normally stated on such tickets, carry the following information:

- (A) The amount of the fine if paid within 10 days;
- (B) The amount of the fine if not paid within 10 days;
- (C) The location where payment may be made; and

(D) The fact that a complaint will be filed after 10 days if the fine is not paid in that time.

(Neb. Rev. Stat. §29-423) (Am. by Ord. No. 853, 11/3/14)

§5-416 SUMMONS; DESTRUCTION.

It shall be unlawful for any person to tear up or destroy a parking tag placed upon any vehicle by the City Police or to disregard the summons contained on such tag and fail to appear in court as directed by said tag. (Neb. Rev. Stat. §60-680)

§5-417 COSTS.

Costs on all citations for parking complaints and dog complaints paid and handled through the office of the City Clerk shall be established by the City Council and shall be paid in addition to any fine or levy imposed. Costs for such citations may be amended and changed by the City Council from time to time by resolution duly passed and adopted. (Ord. No. 402, 7/1/85)

§5-418 SEMI-TRUCK TRAILERS.

It shall be unlawful for the owner or operator of any semi-trailer, in combination with a truck tractor or individually, to stand or be parked adjacent to the curb of any street, alley, public way, or portion thereof, within the City limits, longer than a period of time necessary to load and unload freight or passengers. (Ord. No. 663, 2/4/02)

§5-419 HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES AND ACCESS AISLES; DISPLAY OF PERMITS.

(A)(1) The City Council may designate parking spaces, including access aisles, for the exclusive use of:

(a) Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. Rev. Stat. §60-3,113,

(b) Handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state,

(c) Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City, whose motor vehicles display the permit specified in Neb. Rev. Stat. §18-1739, and

(d) Such other motor vehicles, as certified by the City, which display the permit specified in Neb. Rev. Stat. §18-1739.

(2) All such permits shall be displayed by hanging the permit from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rearview mirror.

(B) If the City Council so designates a parking space or access aisle, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space or access aisle a sign as described in Neb. Rev. Stat. §18-1737. In addition to such sign, the space or access aisle may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space or access aisle.

(Neb. Rev. Stat. §18-1736) (Ord. No. 508, 6/6/94) (Am. by Ord. Nos. 545, 1/3/96; 568, 8/4/97; 620, 4/5/99; 676, 11/4/02)

§5-420 HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING STALLS, SPACES, AND ACCESS AISLES.

The City and any person in lawful possession of any offstreet parking facility may designate stalls or spaces, including access aisles, in such facility owned or operated by the City or person for the exclusive use of:

(A) Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to Neb. Rev. Stat. §60-3,113,

(B) Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City, whose motor vehicles display the permit specified in Neb. Rev. Stat. §18-1739, and

(C) Such other motor vehicles, as certified by the City, which display such permit. Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space, including access aisles, a sign which is in conformance with the *Manual on Uniform Traffic Control Devices* adopted pursuant to Neb. Rev. Stat. §60-6,118 and the federal Americans with Disabilities Act of 1990 and the federal rules and regulations adopted and promulgated in response to the Act, as the Act and the rules and regulations existed on May 31, 2001.

(Neb. Rev. Stat. §18-1737) (Ord. No. 508, 6/6/94) (Am. by Ord. Nos. 569, 8/4/97; 677, 11/4/02)

§5-421 HANDICAPPED OR DISABLED PERSONS; DEFINITIONS.

For purposes of this article:

“Access aisle” means a space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed in compliance with the federal Americans with Disabilities Act of 1990 and the federal rules and regulations adopted and promulgated in response to the Act. (Neb. Rev. Stat. §18-1736)

“Handicapped or disabled person” means any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than 200 feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or Class IV according to standards set

by the American Heart Association, and any individual who has permanently lost all or substantially all the use of one or more limbs.

“Temporarily handicapped or disabled person” means any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one year. (Neb. Rev. Stat. §18-1738)

“Handicapped parking infraction” means the violation of any section of this article regulating:

- (A) The use of parking spaces, including access aisles, designated for use by handicapped or disabled persons,
- (B) The unauthorized possession, use, or display of handicapped or disabled parking permits, or
- (C) The obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990. (Neb. Rev. Stat. §18-1741.01)

(Ord. No. 508, 6/6/94) (Am. by Ord. Nos. 545, 1/3/96; 570, 8/4/97; 675, 11/4/02)

§5-422 HANDICAPPED OR DISABLED PERSONS; PERSONAL PERMIT; ISSUANCE; RENEWAL.

(A) The City Clerk shall take an application, on a form provided by the Department of Motor Vehicles, from a handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces or access aisles provided for by this article when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces or access aisles. For purposes of this section, the handicapped or disabled person or temporarily handicapped or disabled person shall be considered the holder of the permit.

(B) A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity, and shall submit a completed medical form containing the statutory criteria for qualification and signed by a physician, physician assistant, or advanced practice registered nurse certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped or disabled person. No applicant shall be required to provide his or her social security number. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant, or advanced practice registered nurse shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six months, whichever is less.

(C) A person may hold only one permit under this section and may hold either a permit under this section or a permit under Section 5-423 (Motor Vehicle Permit; Issuance) but not both.

(D) A copy of the completed application form shall be given to each applicant. The

City Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section.

(E) An application for the renewal of a permit under this section may be filed within 30 days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit. (Neb. Rev. Stat. §18-1738)

(F) The City Clerk shall not accept the application for a permit of any person making application contrary to the provisions of Neb. Rev. Stat. §18-1738.02. (Neb. Rev. Stat. §18-1738.02)
(Ord. No. 571, 8/4/97) (Am. by Ord. No. 678, 11/4/02)

§5-423 HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT; ISSUANCE; RENEWAL.

(A) The City Clerk shall take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces or access aisles provided for by this article if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of a handicapped or disabled person or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces or access aisles.

(B) A person applying for a permit or for the renewal of a permit pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided to the City Clerk by the Department of Motor Vehicles, and shall demonstrate to the Clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. A copy of the completed application form shall be given to each applicant.

(C) No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under Section 5-422 (Personal Permit; Issuance) but not both.

(D) An application for the renewal of a permit under this section may be filed within 30 days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit.

(E) The City Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section. (Neb. Rev. Stat. §18-1738.01)

(F) The City Clerk shall not accept the application for a permit of any person making application contrary to Neb. Rev. Stat. §18-1738.02. (Neb. Rev. Stat. §18-1738.02)
(Ord. No. 572, 8/4/97) (Am. by Ord. No. 679, 11/4/02)

§5-424 HANDICAPPED OR DISABLED PERSONS; PERMITS, PROHIBITED ISSUANCE; DUPLICATE PERMITS.

(A) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to Section 5-426 (Permits Nontransferable; Violations; Suspension). At the expiration of such suspension, a permit may be renewed in the manner provided for renewal in this article.

(B) A duplicate permit may be provided without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be issued in the same manner as the original permit, except that a newly completed medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the City Clerk or the Department of Motor Vehicles. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued.

(Neb. Rev. Stat. §18-1739) (Ord. No. 573, 8/4/97) (Am. by Ord. No. 680, 11/4/02)

§5-425 HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL OF TEMPORARY PERMITS.

(A) Permanently issued permits for handicapped or disabled parking authorized by Neb. Rev. Stat. §18-1736 to 18-1741.07 issued prior to August 1, 2005, shall be valid for a period ending on September 30 of the third year after the date of issuance and shall expire on that date. Permanently issued permits issued on or after August 1, 2005 shall be valid for a period ending in the last day of the month of the applicant's birthday in the third year after issuance and shall expire on that day.

(B) All permits authorized under Neb. Rev. Stat. §18-1736 to 18-1741.07 for temporarily handicapped or disabled parking shall be issued for a period ending not more than six months after the date of issuance but may be renewed one time for a period not to exceed six months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability.

(Neb. Rev. Stat. §18-1740) (Ord. No. 508, 6/6/94) (Am. by Ord. Nos. 545, 1/3/96; 574, 8/4/97; 681, 11/4/02)

§5-426 HANDICAPPED OR DISABLED PERSONS; PERMITS NONTRANSFERABLE; VIOLATIONS; SUSPENSION.

(A) Permits issued under this article shall not be transferable and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. No person shall alter or reproduce in any manner a permit issued pursuant to this article. No person shall knowingly hold more than one permit or knowingly provide false information on an application for a permit.

(B) No person who is not the holder of a handicapped or disabled parking permit issued to him or her as a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person.

(C) No person who is the holder of a handicapped or disabled parking permit issued for the use of such person when transporting a handicapped or disabled person shall display his or her handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit at the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

(D) No person who is not the holder of a handicapped or disabled parking permit issued for use when a vehicle is transporting a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit at the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

(E) Any violation of this section shall constitute a handicapped parking infraction and shall be cause for suspension of such permit for a period of six months and imposition of the penalty provided for violation of this chapter. In addition, the trial court shall impose a fine of not more than \$250.00, which may be waived by the court if, at the time of sentencing, all handicapped parking permits issued to or in the possession of the offender are returned to the court. At the expiration of such six-month period, a suspended permit may be renewed in the manner provided for renewal in this article.

(Neb. Rev. Stat. §18-1741) (Ord. No. 575, 8/4/97) (Am. by Ord. No. 682, 11/4/02)

§5-427 HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY.

(A) The owner or person in lawful possession of an offstreet parking facility, after notifying the City police and the City, if it provides onstreet parking or owns, operates, or provides an offstreet parking facility, may cause the removal of any vehicle not displaying the proper permit or the distinguishing license plates specified in this article from a stall or space, including access aisles designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, if there is posted above-ground and immediately adjacent to and visible from such stall or space, including access aisles, a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(B) A person who parks a vehicle in any onstreet parking space or access aisle which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons or in any so exclusively designated parking space or access aisle in any offstreet parking facility without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom, as the case may be, the license plate or permit is issued and who will not enter or exit the vehicle while it is parked in the designated space or access aisle shall be guilty of a handicapped parking in-

fraction and shall be subject to the penalties and procedures set forth in Section 5-423 (Citation, Issuance; Complaint; Trial; Dismissal). The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this section.

(C) In the case of a privately owned offstreet parking facility, the City shall not require the owner or person in lawful possession of such facility to inform the City of a violation of this section prior to the City's issuance of a handicapped parking infraction citation. (Neb. Rev. Stat. §18-1737) (Ord. No. 508, 6/6/94) (Am. by Ord. Nos. 545, 1/3/96; 577, 8/4/97; 683, 11/4/02)

§5-428 HANDICAPPED OR DISABLED PERSONS; CITATION, ISSUANCE; COMPLAINT; TRIAL; DISMISSAL.

(A) For any offense classified as a handicapped parking infraction, a handicapped parking citation may be issued by any peace officer or by any person designated by ordinance by the City Council to exercise the authority to issue a citation for any handicapped parking infraction.

(B) When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the citation shall enter thereon all required information including the name and address of the cited person or, if not known, the license number and description of the offending motor vehicle, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the handicapped parking citation. One copy of the citation shall be delivered to the person cited or attached to the offending motor vehicle.

(C) At least 24 hours before the time set for the appearance of the cited person, either the City Attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with a handicapped parking infraction or such person shall be released from the obligation to appear as specified.

(D) The trial of any person for a handicapped parking infraction shall be by the court without a jury. A person cited for a handicapped parking violation may waive his or her right to trial.

(E) For any citation issued for a handicapped parking infraction by reason of the failure of a vehicle to display a handicapped parking permit issued pursuant to Neb. Rev. Stat. §18-1738 or 18-1738.01, the complaint shall be dismissed if, within seven business days after the date of issuance of the citation, the person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicapped parking permit issued under Neb. Rev. Stat. §18-1738 or 18-1738.01 and that the peace officer has personally viewed the permit.

(Neb. Rev. Stat. §18-1741.01, 18-1741.04, 18-1741.06) (Ord. No. 508, 6/6/94) (Am. by Ord. No. 576, 8/4/97)

Article 5 – Bicycles**§5-501 LICENSE.**

Anyone wishing to operate a bicycle within the corporate limits shall make an application to the City Police Department. A license shall then be issued by the City Police upon the payment of a fee, set by resolution of the City Council, to the City Clerk. Said license shall then be attached to the frame of the bicycle in a substantial manner. The removal of such tag, except by the proper authorities, shall be unlawful. (Neb. Rev. Stat. §60-6.316, 60-680 (h))

§5-502 OPERATION.

(A) No person shall operate a bicycle on a street or highway within the City with another person on the handlebars or in any position in front of the operator.

(B) No bicycle shall be operated faster than is reasonable and proper but every bicycle shall be operated with reasonable regard to the safety of the operator and any other persons upon the streets and highways.

(C) Persons operating bicycles shall observe all traffic signs and stop at all stop signs.

(D) No bicycle shall be operated on any street or highway from sunset to sunrise without a headlight visible from the front thereof for not less than 500 feet on a clear night and a red reflector on the rear of a type which shall be visible on a clear night from all distances between 100 feet and 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to such red reflector.

(E) Any person who operates a bicycle upon a street or highway shall not ride more than single file except on parts of streets or highways set aside for the exclusive use of bicycles.

(F)(1) Any person who operates a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under conditions then existing shall ride as near to the right-hand curb or right-hand edge of the roadway as practicable except when:

(a) Overtaking and passing another bicycle or vehicle proceeding in the same direction;

(b) Preparing for a left turn onto a private road or driveway or at an intersection;

(c) Reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals, or surface hazards;

(d) Riding upon a lane of substandard width which is too narrow for a bicycle

and a vehicle to travel safely by side within the lane; or

(e) Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in Neb. Rev. Stat. §60-6,142.

(2) Any person who operates a bicycle upon a roadway with a posted speed limit of 35 miles per hour or less on which traffic is restricted to one direction of movement and which has two or more marked traffic lanes may ride as near to the left-hand curb or left-hand edge of the roadway as practicable. Whenever a person operating a bicycle leaves the roadway to ride on the paved shoulder or leaves the paved shoulder to enter the roadway, the person shall clearly signal his or her intention and yield the right-of-way to all other vehicles.

(G) No person shall park a bicycle on any sidewalk unless a bicycle stand is located on said sidewalk.

(H) No person shall operate a bicycle on the sidewalks within the business district. (Neb. Rev. Stat. §60-6,315, 60-6,317, 60-6,318) (Am. by Ord. No. 505, 5/2/94)

§5-503 DISPOSAL FROM CITY IMPOUND LOT.

Any bicycle left unclaimed in the city impound lot for a period of 120 days will, at the discretion of the City Police Chief, be donated to a needy child or to an organization that provides bicycles for children in need. (Ord. No. 824, 8/5/13)

ORDINANCE NO. 824

AN ORDINANCE OF THE CITY OF ORD, NEBRASKA, ESTABLISHING ORD MUNICIPAL CODE §5-503 SETTING A PROCEDURE FOR DISPOSAL OF BICYCLES HELD IN THE CITY IMPOUND LOT FOR MORE THAN 120 DAYS AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ORD, NEBRASKA:

Section 1. That the Mayor and City Council of Ord, Nebraska, do hereby establish and fix Municipal Code §5-503 establishing a procedure for disposal of bicycles held in the City Impound Lot of the City of Ord, as follows:

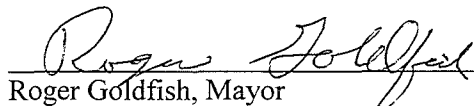
§5-503: Disposal from City Impound Lot

Any bicycle left unclaimed in the City Impound Lot for a period of 120 days will, at the discretion of the City Police Chief, be donated to a needy child or to an organization that provides bicycles for children in need.

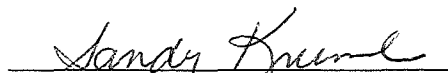
Section 2. That all parts of ordinances or resolutions in conflict herewith are hereby repealed.

Section 3. That this ordinance shall become effective immediately upon and be in full force and effect after its passage, adoption, and publication as provided by law.

Passed and adopted this 5th day of August, 2013.


Roger Goldfish, Mayor

ATTEST:


Sandy Kruml, City Clerk

Article 6 – Mini-bikes and Golf Carts**§5-601 MINI-BIKES; UNLAWFUL OPERATION.**

It shall be unlawful for any person to operate a mini-bike upon any street or highway within the corporate limits of the City. For purposes of this article, "mini-bike" shall mean a two-wheeled motor vehicle which has a total wheel and tire diameter of less than 14 inches, an engine-rated capacity of less than 45 cubic centimeters displacement or a seat height less than 25 inches off the ground, or any other two-wheeled motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §60-2101.01, 60-2107) (Am. by Ord. No. 390, 9/4/84)

§5-602 MINI-BIKES; EMERGENCIES AND PARADES.

Mini-bikes shall be exempt from the provisions of this article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization. (Neb. Rev. Stat. §60-2101)

§5-603 GOLF CARTS.

(A) Golf cart vehicles may be operated upon the public streets of the City. Said operation shall be in accordance with the following requirements:

- (1) Such operation occurs only between the hours of sunrise and sunset;
- (2) Operation occurs only on streets with a posted speed limit of 35 miles per hour or less;
- (3) Operation at a speed of 20 miles an hour or less;
- (4) May not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street if (a) the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; (b) the golf cart vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway; (c) the operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and (d) in crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.
- (5) Shall be equipped with a bicycle safety flag which extends not less than 5 feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.
- (6) May be operated without complying with this section on streets and highways in parades which have been authorized by the State or the City.

(B) Any person operating a golf cart vehicle as authorized herein shall have a valid Class O operator's license and the owner of the vehicle shall have liability insurance coverage for the golf cart vehicle subject to limits, exclusive of interest and costs, as follows: (1) \$25,000.00 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person; (2) \$50,000.00 because of bodily injury to or death of two or more persons in any one accident, and (3) \$25,000.00 because of injury to or destruction of property of others in any one accident. The person operating the golf cart vehicle shall provide proof of such insurance coverage to any peace officer upon request.

(Neb. Rev. Stat. §60-6,381) (Ord. Nos. 389, 9/4/84; 871, 3/7/2016)

ATV'S

ORDINANCE NO. 753

AN ORDINANCE TO THE CITY OF ORD, VALLEY COUNTY, NEBRASKA, TO AMEND CHAPTER 5, SECTION 701, SUBPART 3 (§5-701(3)), TO PROVIDE FOR THE OPERATION OF AN ALL-TERRAIN VEHICLE ON A STREET, ROAD, OR HIGHWAY WITHIN THE MUNICIPALITY, BETWEEN THE HOURS OF SUNRISE AND SUNSET, WHEN OPERATED BY A PERSON HAVING A VALID CLASS "O" OPERATOR'S LICENSE OR FARM PERMIT AS PROVIDED BY SECTION 60-4,126; REQUIRING LIABILITY INSURANCE COVERAGE FOR THE ALL-TERRAIN VEHICLE WHILE OPERATING THE ALL-TERRAIN VEHICLE ON A STREET, ROAD, OR HIGHWAY; NOT OPERATING SUCH ALL-TERRAIN VEHICLE AT A SPEED IN EXCESS OF THIRTY MILES PER HOUR; AND PROVIDING THAT DURING SUCH OPERATION THE HEADLIGHT AND TAILLIGHT OF THE ALL-TERRAIN VEHICLE SHALL BE ON AND THE ALL-TERRAIN VEHICLE SHALL BE EQUIPPED WITH A BICYCLE SAFETY FLAG WHICH EXTENDS NOT LESS THAN FIVE FEET ABOVE GROUND ATTACHED TO THE REAR OF SUCH VEHICLE; TO REPEAL ALL ORDINANCES OR RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Ord desires to amend Ord Municipal Code §5-701 to provide for the operation of all-terrain vehicles on the streets, roads, or highways located within the Municipality so long as said operation complies with the Ordinance herein and Neb.Rev.Stat. §60-6,356.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Ord, Nebraska:

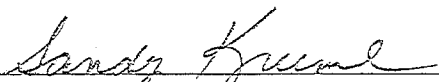
1. SECTION 1: That Subpart 3 of Chapter 5, Section 701 of the Ord Municipal Code (§5-701(3)) be, and the same is hereby amended, to provide as follows:
 - (3) An all-terrain vehicle may be operated on a street, road, or highway when such operation occurs only between the hours of sunrise and sunset. Any person operating an all-terrain vehicle as authorized in this section or in subsection (2) shall have a valid Class O operator's license or a farm permit as provided in section 60-4,126, shall have liability insurance coverage for the all-terrain vehicle while operating the all-terrain vehicle on a street, road, or highway, and shall not operate such vehicle at a speed in excess of thirty miles per hour. The person operating the all-terrain vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request. When operating an all-terrain vehicle as authorized in this section or in subsection (2), the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

2. SECTION 2: That all parts of Ordinances or Resolutions in conflict herewith are hereby repealed.
3. SECTION 3: That this ordinance shall become effective immediately upon and be in full force and effect after its passage, adoption, and publication as provided by law.

Passed and adopted this 5th day of May, 2008.


Randy O'Brien, Mayor

ATTEST:


Sandy Kruml, City Clerk

Article 7 – Recreational Vehicles**§5-701 DEFINITIONS**

For purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) “All-terrain vehicle” (ATV) shall mean any motorized off-highway vehicle which:

- (1) Is 50 inches or less in width;
- (2) Has a dry weight of 1200 pounds or less;
- (3) Travels on three or more non-highway tires; and

(4) Is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger

(B) ATVs which have been modified to include additional equipment not required by §5-703 and §5-704 of this subchapter shall not be required to be registered under the Motor Vehicle Registration Act, Neb. Rev. Stat. §60-301.

(C) “Utility-type vehicle” (UTV) shall mean any motorized off-highway vehicle which:

- (1) Is 74 inches in width or less;
- (2) Is not more than 180 inches, including the bumper, in length;
- (3) Has a dry weight of 2,000 pounds or less; and
- (4) Travels on four or more non-highway tires.

“Utility-type vehicle” does not include a golf cart or low-speed vehicle.

(D) UTVs which have been modified to include additional equipment not required by §5-703 and §5-704 of this subchapter shall not be required to be registered under the Motor Vehicle Registration Act, Neb. Rev. Stat. §60-301.

(Neb. Rev. Stat. §60-6,355) (Ord. Nos. 705, 5/3/04; 849, 10/6/14; 851, 11/3/14)

§5-702 OPERATION

(A) An ATV or a UTV shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsections (B), (E) and (F) of this section authorize and apply to operation of an ATV or a UTV only on streets or highways other than a controlled-access highway with more than two marked traffic lanes. An ATV or a UTV may be operated in accordance with the operating requirements of subsection (2) below within the corporate limits of a city.

(B) An ATV or a UTV may be operated in accordance with the operating requirements herein when such operation occurs only between the hours of sunrise and sunset. Any person operating such vehicle as authorized herein shall have a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126, shall have liability insurance coverage for the vehicle while operating it on a street or highway, and shall not operate such vehicle at a speed in excess of 30 miles per hour. The person operating the ATV or UTV shall provide proof of such insurance coverage to any peace officer upon request. When in operation, an ATV or a UTV as authorized herein shall have the headlight and taillight on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

(C) ATVs or UTVs may be operated without complying with subsections (B) & (C) of this section on streets and highways in parades which have been authorized by the State or the City.

(D) Subject to subsection (A) of this section, the crossing of a highway shall be permitted by an ATV or a UTV without complying with subsection (B) of this section only if:

(1) The crossing is made at an angle of approximately 90° to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(2) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;

(3) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

(5) Both the headlight and taillight of the vehicle are on when the crossing is made.

(E) ATVs or UTVs may be operated outside the corporate limits of the City by electric utility personnel within the course of their employment in accordance with the operation requirements herein, except that the operation of the vehicle pursuant to this subsection need not be limited to the hours between sunrise and sunset.

(Neb. Rev. Stat. §60-6,356) (Ord. Nos. 508, 6/6/94; 753 5/5/08; 851, 11/3/14; 872, 3/7/16)

§5-703 LIGHT REQUIREMENT.

Every ATV and UTV shall display a lighted headlight and taillight during the period of time from sunset to sunrise and at any time when visibility is reduced due to insufficient light or

unfavorable atmospheric conditions. (Neb. Rev. Stat. §50-6,357) (Ord. No. 851, 11/3/14)

§5-704 EQUIPMENT REQUIRED.

Every ATV and UTV shall be equipped with (A) a brake system maintained in good operating condition; (B) an adequate muffler system in good working condition; and (C) a United States Forest Service-qualified spark arrester. (Neb. Rev. Stat. §60-6,358) (Ord. No. 851, 11/3/14)

§5-705 PROHIBITIONS.

No person shall (A) equip the exhaust system of an ATV or a UTV with a cutout, bypass, or similar device; (B) operate an ATV or a UTV with an exhaust system so modified; or (C) operate an ATV or a UTV with the spark arrester removed or modified except for use in closed-course competition events. (Neb. Rev. Stat. §60-6,359) (Ord. No. 851, 11/3/14)

§5-706 COMPETITION.

ATVs participating in competitive events may be exempted from §5-703 to §5-705 at the discretion of the Director of Motor Vehicles. (Neb. Rev. Stat. §60-6,360) (Ord. No. 851, 11/3/14)

§5-707 ACCIDENT REPORT.

If an accident results in the death of any person or the injury of any person which requires the treatment of the person by a physician, the operator of each ATV or UTV involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699. (Neb. Rev. Stat. §60-6,361) (Ord. No. 851, 11/3/14)

Article 8 – Penal Provision

§5-801 VIOLATIONS; PENALTY.

(A) (1) Any person or any person’s agent or servant who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500.00. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(2) Any violation of this chapter shall be waivable and carry the penalty listed below, unless otherwise specifically provided herein;

1 st offense	\$ 50.00
2 nd offense	100.00
3 rd offense	150.00
4 th offense	200.00
5 th and subsequent offenses	250.00

(B) (1) Whenever a nuisance exists as defined in this chapter, the City may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever in any action it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case.

(Neb. Rev. Stat. §17-505, 18-1720, 18-1722) (Am. by Ord. No. 645, 7/5/00; 846, 9/3/14)